



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ARTHUR JOHNSTON, CLERK

GEORGIO RODRIQUEZ SCOTT, #20436

By: [Signature] Deputy Clerk

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:19-cv-124-KS-MTP

FORREST COUNTY JAIL, et al.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiff's Letter [20] filed on February 13, 2020. Having reviewed the Letter [20], the Court finds that Plaintiff is requesting that the Court reconsider the dismissal of this civil action as frivolous or malicious. Pl.'s Letter [20] at 1.

The Court will liberally construe the Letter [20] as a Motion pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. *See Solsona v. Warden, F.C.I.*, 821 F.2d 1129, 1132 n. 1 (5th Cir. 1987) (finding that federal courts may construe and re-characterize a *pro se* prisoner action "according to the essence of the prisoner's claims, regardless of the label that the prisoner places on his complaint"); *see also Hernandez v. Thaler*, 630 F.3d 420, 427 n.27 (5th Cir. 2011) (noting that Court must consider the "substance of the relief, not a label" to determine the "true nature" of the pleading).

A party seeking relief under Rule 60(b) of the Federal Rules of Civil Procedure must show: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud, . . . misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied . . . ; or (6) any other reason justifying relief from the operation of the judgment. For the following reasons, the Court finds

that Plaintiff has failed to demonstrate that relief is appropriate under any of the grounds set out in Rule 60(b).

As evidenced by the Court's Memorandum Opinion and Order [17] entered on January 8, 2020, the Court considered the Plaintiff's allegations and applied the relevant case law in resolving this matter. The Court's decisions in the Memorandum Opinion [17] and Final Judgment [18] were the correct legal findings. The Court therefore determines that Plaintiff's Motion [20] does not meet any of the grounds required by Federal Rule of Civil Procedure 60(b) to grant relief from the Final Judgment [18] or Memorandum Opinion and Order [17] dismissing this case. Accordingly, it is,

ORDERED AND ADJUDGED that Plaintiff's Letter [20] is construed as a Motion for Relief from a Judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Motion for Relief from a Judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure [20] is **denied**.

This the 8th day of May, 2020.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE